

PREPARED TESTIMONY OF
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Mr. Chairman and Members of the Committee, thank you again for the opportunity to discuss issues with local permitting requirements.

We've seen reports in the news about local governments reducing permit fees for solar. We appreciate those. However, we seem to have many jurisdictions that are not comfortable with solar or do not agree with the goals of the California Solar Initiative. Recently, Chairman Levine's staff and the League of California Cities helped out on a permit that included a mandatory \$22,000 traffic study in a City not far from this hearing. I assure you the panels are going on a roof and will not be interfering with traffic.

I thought about whether or not to name such jurisdictions because I would like to give you actual examples. However I would prefer not to do so because I think many jurisdictions are working well and I have hope that we can solve the permitting issues that add excessive cost and needless complications to the process.

I received on Friday a copy of a building permit for \$3,500 for a residential installation. This fee is roughly 5% of the installed cost of the system. This charge is far in excess of the actual costs for plan check and site inspection.

Another city not far north of here is denying a permit to install a solar system on a home that is 14 inches higher than their 15 foot height limit for buildings. The city will not issue a permit because the panels, tilted to catch the sun, are 14 inches above the height limits for buildings.

Another city to the west of here is requiring all systems be reviewed by an Aesthetics Review Board prior to moving forward – this is in addition to the construction permit. In that same city, a building inspector has developed his own set of criteria that goes beyond the State Electrical Code. His action has been so egregious that the City's solar program staff asked me to help.

Unfortunately, I do need to mention that the State agency in charge of permitting for schools, the Division of the State Architect. This agency took more than a year to approve a permit for the installation a 1 kW display system at a school. I have examples of seven other permits that we filed between March 14 and June 28 that are still waiting for their approval. Unfortunately for some of them, the rebates will expire before the permits are issued. We thank the Committee again for facilitating a conversation with DSA. I am sure this will help us standardize the requirements.

In the 1970s, California adopted a Solar Rights Act to address problems with homeowners' associations, which were simply not allowing solar in their communities. We continue to have difficulties with homeowners associations and I have a few of those I could talk to you about that I am currently trying to resolve.

California does have a Solar Rights Act, which was amended in 2005 by a bill authored by Assembly Member Wolk. These amendments added statute to apply its provisions to local governments. For local governments, the limits are to allow them to impose requirements to address health and safety. For homeowners associations, the Solar Rights Act allows them to impose reasonable restrictions that do not raise the price of the system by more 20% or reduce the efficiency of the system by more than 20%. In the case of solar electric, there is also a cap on the 20% at \$2,000.

Notwithstanding the Solar Rights Act, some local jurisdictions or homeowners associations simply hold their breath. They rely on the industry needing to control its costs and go somewhere else or the homeowner to give up and avoid difficulties with neighbors. CALSEIA helps out but even our assistance does not always produce results with intransigent associations or community development departments.

These are tough issues. The solar industry really does not want adverse relationships with our communities. Our businesses are located in these cities and counties and must have good relationships. Recently, your Committee arranged a meeting on these issues between CALSEIA, the League of Cities, and the County Supervisors Association. They offered to work with us to help provide training, education, or perhaps model ordinances to help improve this situation.

The overriding message I would like to bring to your attention is that these issues cause installation delays and higher costs. None of the examples that I have brought to your attention have any connection to health or safety – this industry is as concerned about quality installations as anyone can be. We want reliable systems and satisfied customers. Without that, we won't have a business. So we don't think any of these examples are about any company asking for more than it should be allowed.

Last, I'd like to speak about an issue that came up about 60 days ago, when the Los Angeles Fire Department adopted new permitting requirements for solar installations. These are permits separate from and in addition to the local building permit. Fire departments in California are authorized to immediately adopt requirements when they identify a health and safety issue. In the case of solar electric systems, there were concerns about whether emergency personnel would have access to the roof or would be able to vent the building to release smoke and hot gases that could cause death or injury to people trapped inside. There have not been any incidents. This was a proactive effort on the part of the fire services. As a result, the Los Angeles Fire Department established set back, spacing, and other requirements. Other jurisdictions followed with variations of these requirements. Very troubling was a requirement in Los Angeles for a technology that does not exist: quick release mounting systems. Industry was particularly concerned about this requirement because removing the panels could also endanger the fire crews and or provide an easy opportunity for theft. I'm pleased to report that the Governor reached out to CalFire and asked them to establish a Task Force to develop guidelines that will address the concerns of the Fire Departments and provide sufficient flexibility to allow solar installations to go forward and to encourage local jurisdictions to adopt the guidelines to provide consistent requirements. In addition, the Los Angeles Fire Department has suspended enforcement of the quick release requirement to provide the industry time to address this issue. The Task Force, with representation from Fire districts throughout California and the solar industry has been meeting every other week and I expect that a draft guideline will be available soon.

I conclude by saying that the challenge of reducing the cost of installations, as envisioned through SB1, is directly impacted by the examples I have provided today.

Thank you again for the opportunity to address the Committee.